

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

LIONEL ROUSSEL ATANGANA,)	
)	
Petitioner,)	
)	
v.)	4:19-cv-00058-RDP-SGC
)	
MATTHEW WHITAKER, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION


On April 18, 2019, the Magistrate Judge entered a report recommending that this petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 be dismissed without prejudice as duplicative of a previously filed and currently pending petition in the District of New Jersey. (Doc. 7). Petitioner submitted objections to the Report and Recommendation on April 25, 2019. (Doc. 8). Petitioner continues to argue he was detained at the Etowah County Detention Center when his status changed following dismissal of his appeal before the Board of Immigration Appeals and when he received an order of removal on June 20, 2018, and, therefore, an Alabama court is now the appropriate court to hear his petition. (*Id.* at 3). This argument ignores the fact that the New Jersey action remains pending and that Petitioner has continued to submit correspondence and documents to that

court.¹ Because the New Jersey action is still viable, the present case is duplicative of that proceeding.

Accordingly, after careful consideration of the record in this case, including the Magistrate Judge's report and Petitioner's objections, the court **ADOPTS** the report of the Magistrate Judge and **ACCEPTS** the recommendations. In accordance with the recommendation, the court finds that this action is due to be dismissed without prejudice as duplicative.

A separate order will be entered.

DONE and **ORDERED** this June 3, 2019.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE

¹ See *Atangana v. Edwards*, Case No. 18-03822 (D.N.J filed March 19, 2018). Petitioner has filed correspondence and exhibits with that court as recently as May 21, 2019. (*Id.* at doc. 27).